



Linda S. Adams  
Secretary for  
Environmental Protection

**California Regional Water Quality Control Board**  
**North Coast Region**  
**William R. Massey, Chairman**

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Arnold  
Schwarzenegger  
Governor

January 16, 2007

Ms. Janice Smith  
Trinity County Department of Transportation  
P.O. Box 2490  
Weaverville, CA 96093

Dear Ms. Smith:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the Baker Gulch Culvert and Slope Repair Project

File: Trinity Co. DOT – Trinity Dam Blvd. at Baker Gulch Culvert and Slope Repair (WDID No. 1A06126WNTR)

This Order by the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), is being issued pursuant to Section 401 of the Clean Water Act (33 USC 1341), in response to your request, on behalf of Trinity County (applicant), for Water Quality Certification for activities related to the culvert and slope repair project located on Baker Gulch at Trinity Dam Boulevard in Lewiston, Trinity County. On August 28, 2006, the Regional Water Board received your application and a \$500.00 processing fee. On December 11, 2006, we deemed the application complete and posted information describing the project on the Regional Water Board's website for a 21-day public review and comment period. We did not receive any public comments on this project.

Project Description: Baker Gulch is a perennial stream that is tributary to Lewiston Lake. High flows in Baker Gulch during January 2006 caused a ten foot long inlet section of a sixty-inch diameter corrugated metal culvert to separate from the remainder of the culvert. Separation of the culvert at the inlet caused the lower half of the sixty foot high roadway fill prism to wash out on the upstream side of the road. The fill failure is approximately twenty feet high by forty feet wide, and up to twenty feet deep. The project is approximately 1,000 feet from the confluence of Baker Gulch and Lewiston Lake. The purpose of the project is to restore the eroded fill prism and culvert inlet to its previous condition, to allow

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continued public access, and to prevent additional sediment discharge into Lewiston Lake.

The project involves removal of rocks, large logs, and other debris in the area of the failed fill slope so that a new ten foot long section of culvert inlet can be attached to the existing culvert. Soil backfill will be used to restore the eroded fill prism. Rock slope protection will be placed over the fill and around the inlet, and the fill slope will be seeded with native grasses. The materials used for rock slope protection and backfill will be obtained from other Trinity County road projects or from commercial sources. The project is scheduled to occur during summer 2007, when the flow in Baker Gulch is low and the project can be completed without any water diversion. The project is expected to take approximately two weeks to complete.

Previously used access roads are located on either side of the creek. One of the old access roads will be restored to allow heavy equipment to access a bench above the inlet area. Restoration of the old access road will be limited to removal of vegetation. Vegetation to be removed from the access road consists of several shrubs, as many as six small saplings (fir, live oak, maple, alder, and tanoak), as many as three 4-inch to 8-inch diameter fir trees, and some limbs from the larger trees that will otherwise be avoided.

Receiving Waters:	Baker Gulch in the Upper Trinity River Hydrologic Subarea No. 106.40
Latitude/Longitude:	40.747990N/122.80811W
Filled or Excavated Area:	Area Temporarily Impacted: 0.001 acre of streambed Area Permanently Impacted: 0.001 acre of streambed
Total Linear Impacts:	Length Temporarily Impacted: none Length Permanently Impacted: 15 feet of streambed
Federal Permit:	U.S. Army Corps of Engineers Nationwide Permit No. 3.
Compensatory Mitigation:	None
Noncompensatory Mitigation:	Noncompensatory mitigation for this project includes the use of Best Management Practices for heavy equipment use

near a waterway, and for sediment and erosion control. All disturbed areas in the project area will be reseeded after the culvert and slope repairs are completed. The applicant has applied to the California Department of Fish and Game for a Lake or Streambed Alteration Agreement.

CEQA Compliance: The Regional Water Board has determined that this project will have no significant effect on the environment and is categorically exempt from CEQA (Class 1, Section 15301 – Existing Facilities).

Standard Conditions: Pursuant to Title 23, California Code of Regulations, Section 3860 (23 CCR 3860), the following three standard conditions shall apply to this project:

- 1) This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code and 23 CCR 3867.
- 2) This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- 3) The validity of any nondenial certification action (actions 1 and 2) shall be conditioned upon total payment of the full fee required under 23 CCR 3833, unless otherwise stated in writing by the certifying agency.

Additional Conditions: Pursuant to 23 CCR 3859(a), the applicant shall comply with the following additional conditions:

- 1) The applicant shall notify Regional Water Board staff at least five working days (working days are Monday – Friday) prior to the commencement of the project, with details regarding the schedule of operations, to allow staff the opportunity to be present onsite and to answer any public inquiries that may arise regarding the project.

- 2) A copy of this permit must be provided to all contractors and subcontractors conducting work on this project, and a copy must be in their possession at the work site. It is the applicant's responsibility to ensure that the contractor and all subcontractors are provided a copy of this permit.
- 3) All activities and BMPs shall be implemented according to the submitted application and the conditions in this Water Quality Certification.
- 4) Prior to implementing any change to the project that may have a significant or material effect on the findings, conclusions, or conditions of this Order, the Applicant shall obtain the written approval of the Regional Water Board Executive Officer.
- 5) Adequate BMPs for sediment and turbidity control shall be implemented and in place during and after construction.
- 6) Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall be outside of waters of the United States. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the United States. At no time shall the applicant use any vehicle or equipment which leaks any substance that may impact water quality. If, at any time, an unauthorized discharge to surface waters occurs from operation, fueling, lubrication, maintenance, storage or staging activities, the project shall cease immediately and Regional Water Board staff shall be notified promptly.
- 7) No bark, slash, sawdust, oil or petroleum products, or other organic or earthen material, other than that authorized by this permit, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State. If, at any time, an unauthorized discharge of bark, slash, sawdust, oil or petroleum products, or other organic or earthen material to surface waters occurs, or any water quality problem arises, the project shall cease immediately and Regional Water

Board staff shall be notified promptly.

- 8) When operations are completed, any excess material or debris shall be removed from the work area and disposed of properly. No rubbish shall be deposited within 150 feet of the high water mark of any stream.
- 9) Project activities shall comply with provisions in the North Coast Region Water Quality Control Plan (Basin Plan).
- 10) The project site may be visited and assessed by Regional Water Board staff to document compliance with this certification.
- 11) This Order is not transferable. In the event of any change in control of ownership of land presently owned or controlled by the applicant, the applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board at the above address.

To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, address, and telephone number of the person(s) responsible for contact with the Regional Water Board. The request must also describe any changes to the Project proposed by the successor-in-interest or confirm that the successor-in-interest intends to implement the Project as described in this Order.

Water Quality Certification: I hereby issue an order [23 CCR Subsection 3831(e)] certifying that any authorized discharge from the Baker Gulch Culvert and Slope Repair Project, (Facility No. 1A06126WNTR) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act [33 USC Subsection 1341 (a)(1)], and with other applicable

requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicant's project description, and b) compliance with all applicable requirements of the Regional Water Board's Water Quality Control Plan for the North Coast Region (Basin Plan).

This Order may be terminated or modified for cause, including, but not limited to: (a) violation of any condition contained herein; (b) misrepresentation or failure to disclose fully all relevant facts; and (c) change in any condition that requires either a temporary or permanent reduction or elimination of the certified discharge.

Any violation or threatened violation of the conditions in this Order shall be subject to any remedies, penalties, process or sanctions under state law, including civil liability under Water Code section 13385.

Expiration:

The authorization of this certification for any dredge and fill activities expires on January 16, 2011. Conditions and monitoring requirements outlined in this certification are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

Please notify Dean Prat of our staff at (707) 576-2801 prior to construction (pursuant to Additional Condition No. 1 above) so that we can answer any public inquiries about the work.

Sincerely,

Catherine Kuhlman  
Executive Officer

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cc: Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 333  
Market Street, San Francisco, CA 94599  
U.S. Army Corps of Engineers, District Engineer, P.O. Box 4863, Eureka, CA  
95502